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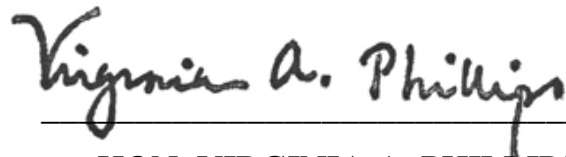
Petitioner's Objections essentially rehash the arguments made in the Petition and fail for the reasons articulated in the Report and Recommendation. Petitioner has not demonstrated that the admission of Vidales' testimony violated due process or that his testimony was false. *See Cook v. Schriro*, 538 F.3d 1000, 1017-18 (9th Cir. 2008).

1 Additionally, for the reasons stated in the Report and Recommendation, the
2 Court finds that Petitioner has not made a substantial showing of the denial of a
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
5 appealability.

6 Accordingly, IT IS ORDERED THAT:

- 7 1. Judgment shall be entered dismissing the action with prejudice.
8 2. The Clerk shall serve copies of this Order and the Judgment herein on
9 the parties.
10 3. A Certificate of Appealability is denied.

11
12 DATED: _June 28, 2011_

A handwritten signature in dark ink, reading "Virginia A. Phillips". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

HON. VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE